

Internal  
C0150015  
#3865  
OK

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: Consolidation Coal Company Inc., Emery Deep Mine\_ NOV # 10088  
Permit #: C/015/0015 Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The Permittee violated State of Utah R645-Coal Mining Rules R645-301-731.200, R645-301-731.210 and R645-301-731.220 by failing to provide the required water monitoring data as outlined in Table VI-17 of the approved Mining and Reclamation Plan (MRP). An oil and grease concentration was not reported for surface water monitoring sites SWMS-1A, SWMS-2, SWMS-9 and SWMS-10 for the 4<sup>th</sup> quarter 2010 as required. Additionally, water quality data was not submitted for monitoring wells Kemmerer-L, SM1-3, SM1-4 and T1-B for 4<sup>th</sup> quarter 2010 as required.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: \_\_\_\_\_

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: The approved MRP establishes the water monitoring requirements in Table VI-17 on page VI-56. The water monitoring requirements were not followed.

**Hindrance to Enforcement  
Inspector's Statement**

NOV/CO # NOV #10088  
Violation # \_\_\_\_\_ of \_\_\_\_\_

- ☒ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: On October 6<sup>th</sup>, 2010, the Permittee was issued NOV #10071 for failing to provide required water monitoring data as outlined in Table VI-17 of the approved MRP.

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: \_\_\_\_\_

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: \_\_\_\_\_

3. Was the submission of plans prior to physical activity required by this NOV / CO? No. If yes, explain.

Explanation: \_\_\_\_\_

Steve Christensen  
Authorized Representative

[Signature]  
Signature

July 27, 2011  
Date